



MINUTES OF THE BOARD OF SUPERVISORS COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held August 7, 2007, the Board took the following action:

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The following statement was entered into the record for Supervisors Antonovich and Yaroslavsky:

“The County’s Regional Planning Commission, as well as Hearing Officers in the Department of Regional Planning, conduct public hearings and issue determinations concerning various discretionary land-use applications. Projects that require legislative approvals, such as a Zone Change or General Plan Amendment, automatically advance to the Board of Supervisors for final action. For adjudicatory approvals, such as Conditional Use Permits (CUPs), a determination is final unless the applicant or an interested party appeals the case to the Board of Supervisors; alternately, the Board may ‘call for review’ the initial determination by the Commission.

“In the case of appeals to the Board of Supervisors, ‘interested parties’ (anyone other than the applicant) potentially encounter two problems. Both items are largely unique to the County of Los Angeles, in that they are inconsistent with how many other nearby jurisdictions process appeals. The first item often confuses the public about the deadline in which to file an appeal, and the second item may discourage the filing of appeals due to expensive appeal fees.

“In the first instance, appeals on zoning permits to the Board of Supervisors must be filed within a set time period, typically 15 days. The County’s Zoning Ordinance indicates that this 15-day period starts when the applicant ‘receives’ notice of the decision by the Planning Commission. The start—and, therefore, the end—of the appeal period depends on outside parties, such as the United States Postal Service and the applicant, rather than on any actions by the Commission or County staff. Other jurisdictions start the appeal period when the Commission acts at the actual public meeting itself, or on the date staff mails the applicant the determination. In short, for jurisdictions other than the County the end of the appeal period is specifically identified. In this regard the applicant and all interested parties are notified well in advance.

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“In the second instance, when a case is appealed to the Board, the County requires an ‘additional deposit’ from the appellant to cover the costs of transcribing the earlier hearing(s) by the Hearing Officer or the Commission. This fee is in addition to the standard appeal fee, and it can be prohibitively expensive. On one project the Commission conducted seven public hearing sessions, requiring an additional fee of more than \$7,000 (Board of Supervisors called this case for review rather than asking a group of residents to absorb the cost). The ‘additional deposit’ for transcripts burdens a neighbor or other interested party with an unnecessary expense, one that is not charged by many other jurisdictions. This is particularly unfair when a resident has legitimate concerns about the impacts of a proposed project, as it discourages filing an appeal to one’s elected representatives. Given that very few cases reach the Board on appeal, the cost of preparing these transcripts can and should be absorbed by the County.

“We therefore recommend that the Board direct County Counsel to work with the Director of Planning and the Executive Officer of the Board to:

1. Draft an amendment to the Zoning Ordinance to clarify and standardize the start and end dates of the appeal period for a Conditional Use Permit (CUP), and to eliminate the requirement that appellants pay for the cost of transcribing earlier hearings by the Hearing Officer or the Regional Planning Commission;
2. Prepare any associated changes to written staff procedures and guidelines necessary to clarify the appeals process for staff and members of the public and resolve any ambiguities between appeal periods for CUPs and associated entitlement applications; and
3. Return to the Board within 60 days with the new Zoning Ordinance and other proposed changes.”

Richard D. Weiss, Assistant County Counsel, responded to questions posed by the Board.

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After discussion, Supervisor Knabe made the following statement:

“In order to determine if what is being proposed is fair and reasonable, I would like to have a comparison with what other jurisdictions require for zoning appeals.”

Therefore, Supervisor Knabe made a suggestion that Supervisors Antonovich and Yaroslavsky's recommendation be amended to also direct County Counsel and the Director of Planning to report back to the Board in 60 days on how other jurisdictions handle zoning appeals, as compared to what is being proposed. Supervisors Antonovich and Yaroslavsky accepted Supervisor Knabe's amendment.

On motion of Supervisor Antonovich, seconded by Supervisor Yaroslavsky, unanimously carried (Supervisor Molina being absent), the Board directed County Counsel to work with the Director of Planning and the Executive Officer of the Board to:

1. Draft an amendment to the Zoning Ordinance to clarify and standardize the start and end dates of the appeal period for a Conditional Use Permit (CUP), and to eliminate the requirement that appellants pay for the cost of transcribing earlier hearings by the Hearing Officer or the Regional Planning Commission;
2. Prepare any associated changes to written staff procedures and guidelines necessary to clarify the appeals process for staff and members of the public and resolve any ambiguities between appeal periods for CUPs and associated entitlement applications; and
3. Return to the Board within 60 days with the new Zoning Ordinance and other proposed changes, including how other jurisdictions handle zoning appeals as compared to what is being proposed.

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Copies distributed:

Each Supervisor
Chief Executive Officer
County Counsel
Director of Planning
Chairperson, Regional Planning Commission